

Docket No. 10738-17

**PATENT**

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Fee Amendment; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
On **December 30, 2004**

*Rosemary Fields*

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Patrick Tso et al : Paper No.:  
Serial No.: 09/623,006 : Group Art Unit: 1653  
Filed: August 24, 2000 : Examiner: Rita Mitra  
For: **Antioxidant Peptides** :

**DECLARATION UNDER 37 C.F.R. 1.132**

Mail Stop Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

David Hui and Patrick Tso declare that:

1. They are the co-inventors of, and are familiar with the present U.S. Patent Application Serial No. 09/623,006, filed August 24, 2000, entitled "Antioxidant Peptides," (hereinafter, The Application), which claims the priority benefit of U.S. Provisional Patent Application Serial No. 60/080131, filed March 31, 1998, similarly entitled "Antioxidant Peptides." They are also familiar with the Official Actions issued in this application, including the Official Action dated June 30, 2004 and the prior art references cited therein.

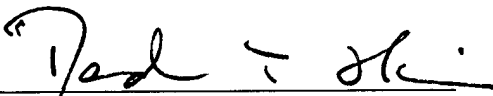
2. The reference cited by the Examiner in the June 30 Office Action, entitled "Apolipoprotein A-IV: A potent endogenous inhibitor of lipid oxidation," with the citation FASEB Journal, vol. 12, N4, 1, S, page A341, Presentation NO: 1980, (hereinafter "The

Abstract"), is an abstract of a presentation (hereinafter "The Presentation") made by at least some of the authors and describes research conducted by the co-inventors Hui and Tso, with the assistance of X. Qin, D.K. Swertfeger, and S. Zheng.

3. The Abstract and The Presentation describe the work of the present co-inventors, Hui and Tso. Despite their status as co-authors of The Abstract, and as participants in any part of The Presentation, X. Qin, D.K. Swertfeger and S. Zheng merely completed assignments and carried out work under the direction and supervision of either or both of the present co-inventors Hui and Tso.


4. David Hui and Patrick Tso further declare that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

  
\_\_\_\_\_  
David Y. Hui

12/27/04

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Patrick Tso

12/27/04

\_\_\_\_\_  
Date